

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BRICKLAYERS INSURANCE AND WELFARE
FUND; BRICKLAYERS PENSION FUND;
BRICKLAYERS SUPPLEMENTAL ANNUITY
FUND; BRICKLAYERS AND TROWEL TRADES
INTERNATIONAL PENSION FUND; NEW YORK
CITY AND LONG ISLAND JOINT
APPRENTICESHIP AND TRAINING FUND;
INTERNATIONAL MASONRY INSTITUTE; and
SANTO LANZAFAME, in his fiduciary capacity
as Administrator, BRICKLAYERS LOCAL 1,
INTERNATIONAL UNION OF BRICKLAYERS
and ALLIED CRAFT WORKERS, and
BRICKLAYERS LABOR MANAGEMENT
RELATIONS COMMITTEE,

Plaintiffs,

- against -

PRIMO BUILDING CORP.,

Defendant.

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ROSLYNN R. MAUSKOPF, United States District Judge.

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

★ DEC 04 2012 ★

BROOKLYN OFFICE

ORDER

08-CV-4617 (RRM) (MDG)

Plaintiffs Bricklayers Insurance and Welfare Fund, Bricklayers Pension Fund, Bricklayers Supplemental Annuity Fund, Bricklayers and Trowel Trades International Pension Fund, New York City and Long Island Joint Apprenticeship and Training Fund and International Masonry Institute (collectively "the Funds") are multi-employer employee benefit plans established for the purpose of providing welfare, pension, annuity, job training benefits to members of Local No. 1 of the International Union of Bricklayers and Allied Craftworkers . (Complaint, Doc. No. 1 at ¶ 3.) By Motion filed April 12, 2010, plaintiffs moved for default judgment. (Doc. No. 11.) By Order entered April 12, 2010, this Court referred that motion to the assigned Magistrate Judge, the Honorable Marilyn D. Go, for a Report and Recommendation. On September 27, 2012, Judge Go issued a Report and Recommendation (the "R&R") recommending that plaintiffs' motion be

granted and that this Court award the plaintiffs judgment against defendant Primo Building Corp. in the amount of \$19,200.84. (R&R (Doc. No. 15) at 10.) Judge Go reminded the parties that pursuant to Rule 72(b), any objection to the R&R was due by October 15, 2012. (R&R at 11.) No party has filed any objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, the Court has reviewed the R&R for clear error and, finding none, adopts the R&R in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007).

Accordingly, it is hereby ORDERED that default judgment enter in favor of plaintiffs as against defendant Primo Building Corp. in the total amount of \$19,200.84, consisting of \$10,549.95 in unpaid contributions to the Funds; \$805.20 in unpaid dues to the Union; \$4,999.70 for pre-judgment interest to the Funds through October 15, 2012 and at a rate of \$2.89 per day thereafter until the entry of judgment; \$346.00 for pre-judgment interest to the Union through October 15, 2012 and at a rate of .20 per day thereafter until the entry of judgment; liquidated damages of \$2,109.99 to the Funds; and \$390.00 in court costs.

The Clerk of Court is directed to close the file.

SO ORDERED.

Dated: Brooklyn, New York
December 3, 2012

s/Roslynn R. Mauskopf

ROSLYNN R. MAUSKOPF
United States District Judge